

**WEDNESDAY, JANUARY 29, 1992**

**NINTH LEGISLATIVE DAY**

**FIRST EXTRAORDINARY SESSION**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Keith Cameron, Lakewood Baptist Church, Donelson, Tennessee.

Representative West led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Anderson; due to family/personal business.

**REPORTS FROM STANDING COMMITTEES**

**EDUCATION**

**January 28, 1992**

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend that, pursuant to **Rule No. 72**,

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the following be referred to Finance, Ways and Means: House Bill(s) No(s). 10.

DAVIDSON, Chair.

Pursuant to **Rule No. 72**, the Speaker referred: House Bill(s) No(s). 10 to the Finance, Ways and Means Committee.

**FINANCE, WAYS AND MEANS  
January 28, 1992**

MR. SPEAKER: Your Finance Committee reports that we have carefully considered and failed to pass: House Bill(s) No(s). 14.

BRAGG, Chair.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Joint Resolution No. 28** -- Memorials, Sports -- Coach Mark Medley and the Lebanon High School football team. by \*Bell.

Referred by the Speaker to the Calendar and Rules Committee.

**RULES SUSPENDED**

Rep. Crain moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 30 out of order, which motion prevailed.

**House Joint Resolution No. 30** -- Memorials, Personal Occasion -- Henry Jordan Hyde, 100th birthday.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Crain, the resolution was adopted.

A motion to reconsider was tabled.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 39** -- Taxes, Sales -- Makes materials used for lining railroad tank cars and charges for installation or repair of such lining subject to sales tax. Amends TCA, Title 67. by \*Buck.

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Introduced; passed first consideration, with objection by Rep. Phillips.

**House Bill No. 40 -- Sports --** Makes records of TSSAA open; makes transfer eligibility rules for secondary school athletics participation inapplicable if transfer due to change in legal custody of student; makes participation in secondary school athletic programs property right. Amends TCA, Title 49, Ch. 2, Pt. 1. by \*Buck.

Introduced; passed first consideration.

**House Bill No. 41 -- Taxes, Tobacco, Tobacco Products --** Enacts "Dedicated Education Fund Tax Increase Act of 1992". Amends TCA, Title 67, Ch. 4. by \*Kernell.

Introduced; passed first consideration, with objection by Rep. Phillips.

**House Bill No. 42 -- Taxes, Privilege --** Removes exemptions for persons who provide services under business tax. Amends TCA, Title 67, Ch. 4. by \*Buck, \*Robinson Robb, \*Williams K.

Introduced; passed first consideration, with objection by Rep. Phillips.

**House Bill No. 43 -- Education --** Enacts "Education Improvement Act of 1992". Same as \*SB 27/HB 38. Amends TCA, Titles 8, 49. by \*Halteman.

Introduced; passed first consideration.

**House Bill No. 44 -- School Transportation --** Authorizes loans by state to LEAs to provide bus service, subject to repayment or withholding of state shared taxes. Amends TCA, Title 49, Ch. 3. by \*Williams M, \*Niceley.

Introduced; passed first consideration.

#### **PETITIONS AND MEMORIALS**

Rep. Windle requested that the following be spread in the Journal:

January 27, 1992

The Honorable Larry Cole  
Chief Clerk  
House of Representatives  
State of Tennessee  
State Capitol  
Nashville, Tennessee 37243

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IN RE: RESOLUTION  
CITY OF SUNBRIGHT

Dear Mr. Chief Clerk:

Please have spread upon the Journal of the House of Representatives, 97th General Assembly, State of Tennessee, the attached Resolution as passed by the City of Sunbright expressing opposition to any state legislation which would result in a loss of state or local sales tax collections by Tennessee Municipalities.

Thank you very much. If I may be of assistance please do not hesitate to contact me.

Respectfully,

John Mark Windle

RESOLUTION

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMAN  
OF THE CITY OF SUNBRIGHT EXPRESSING  
OPPOSITION TO ANY STATE  
LEGISLATION WHICH WOULD RESULT  
IN A LOSS OF STATE OR LOCAL  
SALES TAX COLLECTIONS BY  
TENNESSEE MUNICIPALITIES.

WHEREAS, there has been much discussion about possible ways to fund education within Tennessee; and

WHEREAS, one of the recent ideas to surface has the State receiving all or part of the state and local sales tax and in turn funding all or most of local education costs; and

WHEREAS, any loss of state or local sales taxes directly effects City of Sunbright operations and those of other Tennessee municipalities and does not represent a tradeoff of revenues; and

WHEREAS, during the current City of Sunbright budget year state shared sales taxes and local sales taxes are estimated to be \$40, 000.00; and

WHEREAS, these amounts represent nearly 100% of the total General Fund revenue to the City, and loss of these revenue amounts would severely affect City operations; and

WHEREAS, the City of Sunbright is dedicated to improving its financial condition with one of the goals in this effort being diversification of the revenue base; and

WHEREAS, taking away any sales tax revenue runs counter to this goal.

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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF SUNBRIGHT:

SECTION 1: The Mayor and the Council of the City of Sunbright hereby express their opposition to any State legislation which would result in a loss of state or local sales tax collections by Tennessee municipalities.

SECTION 2: The City Recorder for the City of Sunbright is hereby directed to forward copies of this Resolution to the Honorable Governor Ned McWherter, State Commissioner David Manning, Representative John Mark Windle and Senator Anna Belle O'Brien.

SECTION 3: This Resolution shall take effect from and after its passage, the public welfare requiring it.

/s/Nesby Lee Pemberton  
Mayor

/s/Marilyn Hough  
City Recorder

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
January 29, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, February 3, 1992: House Joint Resolution No. 28.

PHILLIPS, Chair.

**ENGROSSED BILLS  
January 29, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 30; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 97

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Representatives present were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, January 30, 1992.